

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
3 Beckley Division
4 Civil Action No.: 5:14-cv-24506

5 _____
6 DAVID M. DAUGHERTY,
7 Plaintiff,

8 vs.

9 DEPOSITION OF:
10 EQUIFAX INFORMATION SERVICES, LLC, DAVID M. DAUGHERTY
11 and OCWEN LOAN SERVICING, LLC,
12 Defendants.

13 _____/

14 TRANSCRIPT of the stenographic notes of the
15 proceedings in the above-entitled matter, as taken by
16 and before, DEBRA A. VOLK, a Professional Court Reporter
17 and Notary Public of the State of West Virginia, held at
18 the offices of HAMILTON, BURGESS, YOUNG & POLLARD, PLLC,
19 5493 Maple Lane, Fayetteville, West Virginia, on
20 Wednesday, June 17, 2015, commencing at 1:05 p.m.

21
22
23 Job No. 2084505
24

Page 2

Page 4

1 APPEARANCES:

2

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18 Attorney for the Defendants

19 (Via telephone)

20

21

22

23

24

1 DAVID M. DAUGHERTY

2 35 Valley View Drive

3 Vienna, West Virginia 26105

4 having been duly sworn by the Notary,

5 testifies as follows:

6 DIRECT EXAMINATION BY MR. KENNEY:

7 Q. Good afternoon. I'm sure you've already heard me

8 say several times now, my name is Jonathan Kenney and

9 I'm the attorney that's representing the Defendant.

10 Ocwen Loan Servicing in this case.

11 A. Yes.

12 Q. We're here today for your deposition. Have you

13 ever been in a deposition before?

14 A. Yes, I have.

15 Q. Okay.

16 And I'd like to ask you just a few questions about that,

17 but I'll wait until just a little bit later. So you're

18 aware that you filed a Complaint alleging some

19 misrepresentations in your credit report by my client:

20 correct?

21 A. Yes.

22 Q. All right.

23 And like I said, this is the opportunity for my

24 client to find out what you know, what your testimony

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2 WITNESS DIRECT CROSS REDIRECT RECROSS

3 DAVID M. DAUGHERTY

4 BY MR. KENNEY 4 -- 91 --

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6 EXHIBITS

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8 1 Complaint 15

9 2* Aggressive Credit Report, pg. 1 29

10 3* Promissory Note 33

11 4 Automated Consumer Dispute

12 Verification Form 37

13 5 7/3/13 Automated Consumer Dispute

14 Verification Form 37

15 6 7/3/13 Automated Consumer Dispute

16 Verification Form 38

17 7 Ocwen Data List 47

18 8 Expert Report 49

19 9* CreditScore.com Report 52

20 10* ACR Document 75 - 117 55

21 11 EIS Document 257 - 261 57

22 12* Quicken Loan Letter 60

23 13* ACR Document 43 - 74 73

24 *(Exhibit Nos. 2, 3, 9, 10, 12 and 13 were retained)

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1 will be at trial. And this is a deposition, which means

2 that it's taken under oath. So you're swearing that

3 everything you say is true and accurate to the best of

4 your knowledge.

5 A. Yes.

6 Q. Okay.

7 And as I'm asking you questions, the court

8 reporter is writing down everything you say, so if you

9 could answer verbally in yes's or no's, it would make it

10 easier on us and also, of course, if you can wait until

11 I finish the question, that will also make it easier on

12 us; is that fair?

13 A. Yes.

14 Q. Okay.

15 And you do understand that you're under oath

16 today just as you would be in court; correct?

17 A. That's correct, I do.

18 Q. Okay.

19 And do you have any medical conditions that might

20 hinder your ability to testify accurately today?

21 A. No.

22 Q. And are you taking any medication that might

23 affect your memory?

24 A. No.

2 (Pages 2 - 5)

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1 Q. Okay.
 2 Again, if you don't understand the question I'm
 3 asking you or if you would like me to repeat the
 4 question, just let me know and I will repeat the
 5 question. Otherwise, I'll assume that you understand
 6 the question I'm asking you; is that fair?
 7 A. Yes.
 8 Q. Okay.
 9 And what did you do to prepare for your
 10 deposition?
 11 A. Really nothing. Just drove to Fayetteville.
 12 Q. Okay.
 13 Did you review any documents?
 14 A. No. As far as reviewing any of them, no, I did
 15 not. I copied a document on a loan approval this
 16 morning and I had one there, laid out to bring up here
 17 in regards to my insurance.
 18 Q. Okay.
 19 And you met with your attorney; correct?
 20 A. You mean today?
 21 Q. In preparation for your deposition, you had met
 22 with your attorney, right?
 23 A. I met with him one time when we thought we had
 24 that deposition a couple, two or three weeks ago. It

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1 was the first time, and only time in person, I had ever
 2 talked to him.
 3 Q. Okay.
 4 And have you spoken with anybody else about this
 5 deposition?
 6 A. No.
 7 Q. Have you talked --
 8 A. Other than my immediate family.
 9 Q. Okay.
 10 Have you talked with anyone other than your
 11 immediate family about this lawsuit in general?
 12 A. No.
 13 Q. Okay.
 14 A. Maybe a couple of friends, but nothing I can
 15 actually recall.
 16 Q. Do you know the specific nature of that
 17 conversation, was it just generally what this lawsuit
 18 was about?
 19 A. Just in general, yes.
 20 Q. Okay.
 21 And, again, if you need a break for any reason,
 22 if you need to use the bathroom or get a drink of water,
 23 just let me know and I'll be happy to go off the record;
 24 okay?

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1 A. Yes, I'm good.
 2 Q. Okay.
 3 So will you please state your full name and date
 4 of birth?
 5 A. David Max Daugherty. December 14, 1957.
 6 Q. Thank you.
 7 And I'd like to ask you a little bit about your
 8 education now. Did you complete high school?
 9 A. Yes.
 10 Q. Okay.
 11 And do you have any college education?
 12 A. Yes, I do. I have numerous college hours. I
 13 spent time as a full-time student at WVUP in
 14 Parkersburg. I completed their paramedic program there.
 15 Q. Okay.
 16 And very generally -- so I can assume that your
 17 field of study was medicine as a paramedic?
 18 A. Yes.
 19 Q. Okay.
 20 And very generally, what has your employment been
 21 most recently?
 22 A. I retired from the Parkersburg Fire Department as
 23 a full-time employee with 28 years, I believe, back in
 24 2010. And I also worked 27 years as a full-time

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1 employee for St. Joseph's Ambulance Service. And I
 2 retired there in 2009, a few months from each other.
 3 Q. Okay. Well, congratulations on your retirement.
 4 Okay.
 5 And so I understand that your wife is retired as
 6 well and you were retired from the fire department and
 7 the ambulance service, the hospital. Do you have any
 8 other sources of income?
 9 A. Yes. Well, I've had a heating and cooling
 10 business but I've pretty much given that all up. If I
 11 have a friend call me every now and then, if they have a
 12 problem, I may go fix their furnace, usually not charge
 13 anything. And I'm also on Social Security disability.
 14 Q. Okay.
 15 And other than that, are there any other sources
 16 of income?
 17 A. No.
 18 Q. All right.
 19 And you're married, right?
 20 A. Yes.
 21 Q. And your wife's name is Tina Daugherty?
 22 A. Yes, it is.
 23 Q. And you have two children, right?
 24 A. Yes.

3 (Pages 6 - 9)

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1 Q. And I understand that your son lives with you?
 2 A. Yes, he does.
 3 Q. Okay.
 4 And does anyone else live at your residence
 5 besides your wife and son?
 6 A. No.
 7 Q. And how long have you lived at your current
 8 residence?
 9 A. Somewhere around 17, 18 years or so, maybe
 10 longer.
 11 Q. Okay.
 12 And you had said that you had been in a
 13 deposition before. Have you been involved in any other
 14 litigation before this case, any other lawsuits?
 15 A. Yes.
 16 Q. Okay.
 17 And about how many lawsuits?
 18 A. That I was actually a plaintiff in, probably two
 19 or three with the Parkersburg Fire Department where we
 20 had lawsuits against the City over benefit packages, et
 21 cetera.
 22 Q. And would you say that all two or three lawsuits;
 23 were they all with the fire department?
 24 A. Yes.

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1 Q. And all times it was over benefits?
 2 A. Yes, normally. Where the City wasn't paying into
 3 our pension fund like they were supposed to be, things
 4 like that.
 5 Q. And can I assume that your deposition was part of
 6 those lawsuits, your previous depositions?
 7 A. I've got to restate that.
 8 Q. Okay.
 9 You had mentioned earlier that you had been in a
 10 deposition before?
 11 A. I've got to restate that. I don't think I
 12 actually gave depositions on those particular lawsuits.
 13 I've given depositions during the St. Joseph's ambulance
 14 lawsuits where I've been called to testify in trials
 15 where people had gotten hurt, where there was litigation
 16 between them or people or things that have hurt them on
 17 their behalf.
 18 Q. About how many lawsuits would you say you've been
 19 involved in where you were not the plaintiff?
 20 A. Where I was not the plaintiff? Probably two or
 21 three.
 22 Q. And those lawsuits where you were not the
 23 plaintiff; were all of those related to your job as a
 24 paramedic?

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1 A. Yes.
 2 Q. Okay.
 3 And you were testifying on behalf of the
 4 hospital; is that correct?
 5 A. Yes. Actually, not on -- I was being employed by
 6 the hospital. The hospital wasn't the one being sued,
 7 it was like in one case someone had fallen down, an
 8 elderly lady that fell on an elevator at a senior
 9 citizens high-rise and it was due to the elevator had
 10 malfunctioned and jumped.
 11 Q. I see.
 12 A. And it did the same thing to us enroute to the
 13 floor; it would be one example.
 14 Q. Okay.
 15 So --
 16 A. Go ahead.
 17 Q. So other than the lawsuits involving the fire
 18 department and the lawsuits involving the hospital, were
 19 there any other lawsuits that you've been a part of?
 20 A. Yes, back in the early '80s, I had a lawsuit
 21 against the City of Vienna.
 22 Q. And were you the plaintiff in that?
 23 A. Yes, I was.
 24 Q. And can you very generally tell me the nature of

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1 that?
 2 A. I was doing construction work back then and I was
 3 doing pretty well. I had won the bid to refurbish the
 4 municipal swimming pool and we had a problem with the
 5 pool covering on the initial pool that was already on
 6 the pool. Some things called, it was a coating they put
 7 on called TheraSeal. And it's tested at 60,000 PSI's
 8 but as it turns out, it was taking a lot of time to
 9 remove the TheraSeal using a diamond concrete grinder.
 10 And I was running -- it was going to run me over past
 11 their initial pool opening and it kind of came became a
 12 contract dispute over it. And my contract was canceled
 13 while we were still working on it. And I took them to
 14 court, and according to the court, I won the case or
 15 according to the papers, I won the case. But I don't
 16 really feel like I won, but I supposedly won.
 17 Q. Sure, I understand.
 18 And did you testify at all in that case?
 19 A. Yes, I did.
 20 Q. Okay.
 21 So we've got the lawsuits with the city in
 22 Indiana --
 23 A. The City of Vienna.
 24 Q. Oh, I'm sorry.

4 (Pages 10 - 13)

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1 A. That's Vienna, V-I-E-N-N-A.
 2 Q. The lawsuits with the City, the lawsuits with the
 3 fire department and lawsuits with the hospital. Are
 4 there any other ones --
 5 A. Not that I'm aware of.
 6 Q. -- that you were a party to?
 7 A. No.
 8 Q. Okay. Okay.
 9 So I'd like to first refer you to the Complaint
 10 that you filed in this case. Do you have that available
 11 in front of you?
 12 MR. NOLAN: I left that one on the
 13 printer. Let me go grab that one. Two seconds.
 14 MR. KENNEY: Sure.
 15 * * *
 16 (Brief break)
 17 * * *
 18 THE WITNESS: Okay, I have it.
 19 BY MR. KENNEY:
 20 Q. Okay.
 21 And let me know whenever you're ready, whenever
 22 you have the Complaint.
 23 A. I have it in my hands.
 24 Q. Okay.

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1 I'm sorry. Sometimes I just can't tell who's
 2 talking. Okay. So we can mark the Complaint here as
 3 Exhibit 1. Are you familiar with this document?
 4 A. Yes.
 5 * * *
 6 (Whereupon, Deposition Exhibit No. 1 marked for
 7 purposes of identification.)
 8 * * *
 9 BY MR. KENNEY:
 10 Q. Okay.
 11 And can you tell me in your own words what you're
 12 complaining about in this case?
 13 A. I'm complaining about this case that my credit
 14 record was inaccurately reported, where my credit report
 15 was saying I was late, 120 days late in the year of 2013
 16 in the months of March, June, July, October and
 17 December, I believe, and past due, if I remember right.
 18 \$6,128 and in foreclosure when I wasn't.
 19 Q. Okay.
 20 And is there anything else that you're
 21 complaining about in this case?
 22 A. Well, other than that and the fact that it
 23 actually -- it caused a lot of complications from being
 24 on my credit report and some of the things that we were

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1 -- I knew we had some tax issues from 2012 when my wife
 2 cashed in a 401(k) and we owed money to the state that I
 3 was planning on -- I knew my loan was going to need to
 4 be financed because I had balloon balance coming up in
 5 July of 2014, and I really wasn't sweating it too bad
 6 when I saw what we owed on taxes because that's when I
 7 was going to refinance my house. I was planning on
 8 paying off those taxes. And to find out that I couldn't
 9 get a loan because the way the credit report showed, I
 10 was in foreclosure.
 11 Q. Okay.
 12 And do you recall which credit report had the
 13 information about the 120 days late and the amount past
 14 due, do you recall which credit report was reflecting
 15 that information?
 16 A. Yes, I do.
 17 Q. Which one was it?
 18 A. Equifax.
 19 Q. So is it fair to say -- was Equifax only the
 20 credit report of the three that was reporting this
 21 information?
 22 A. It was the only one reporting that information.
 23 Q. Okay.
 24 So when did you first meet with your attorney?

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1 A. I would say in the spring of 2014.
 2 Q. And what was the purpose of meeting with your
 3 attorney?
 4 A. Because I couldn't resolve this with -- between
 5 Oewen and Equifax. At that time, I didn't know who was
 6 making the mistake by putting this on my record, and I
 7 couldn't get either corporation to assist in
 8 straightening it out even though I had made phone calls
 9 to Oewen. You can't call Equifax; you've got to do
 10 everything in writing, which I did.
 11 Q. Right.
 12 A. You know, I sent registered letters, very
 13 explicit registered letters that I think anyone would
 14 understand and they still refused to correct it. From
 15 that, I actually called in Parkersburg the local
 16 Consumer Credit Counseling and asked for advice and they
 17 put me in touch with Consumer Financial out of
 18 Washington DC, which is a government agency. They had
 19 me send them the information and after I talked to them,
 20 they told me that I ought to file complaints against
 21 both corporations. I personally thought they were both
 22 in cahoots together to try to take my house because I
 23 had \$100,000 in equity, or up to that in equity.
 24 Q. Sure.

5 (Pages 14 - 17)

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1 So you had mentioned that at the time that you
 2 first met with your attorney, you weren't certain who
 3 was causing the information to appear in your credit
 4 report?
 5 A. That's correct.
 6 Q. Has anything changed since then? Do you have any
 7 idea who was causing that now?
 8 A. Well, actually yes. From my last meeting, I was
 9 told that it was Ocwen that was reporting. When I had
 10 actually written, I thought it might have been Equifax,
 11 but it turned out to be Ocwen the entire time even
 12 though they denied it numerous times. Ocwen told me I
 13 would have to contact Equifax because they were the
 14 problem.
 15 Q. And when you had said at your last meeting you
 16 learned that it was Ocwen, what meeting are you
 17 referring to?
 18 A. The deposition that we were supposed to have with
 19 you here about three weeks ago --
 20 Q. I see.
 21 A. -- where the mistake in the time was made.
 22 Q. Okay. Okay.
 23 Now, I'd like to ask you just a few questions
 24 about the disputes, the accounts that you had disputed

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1 on your credit report. When did you first determine
 2 that your credit report contained information that you
 3 wanted to dispute?
 4 A. I would say it was around October 2013, somewhere
 5 in the fall. I knew I was going to have a maturity date
 6 coming up the following July of 2014. I was already,
 7 you know, paying attention and try to have everything in
 8 shape, getting ready for refinancing. And that's when
 9 it was first discovered when the first mortgage company
 10 I talked to, I can't remember right off which one, but
 11 they told me that the report came back that -- bad with
 12 the mortgage company showing I was late all those days.
 13 Q. Right.
 14 And did you do anything to try and fix your
 15 credit?
 16 A. Yes. I did several things trying to work on my
 17 credit.
 18 Q. And what did you do? And I mean other than
 19 consult with an attorney, what did you do before you
 20 found --
 21 A. You know, at one time, we had some credit
 22 problems and I had worked to try to straighten them all
 23 out and pay off the ones I had to pay off. And I had
 24 had a lot of medical bills that were turned into

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1 collections and I had to pay them off. There were
 2 things on there that -- and another thing was, I had
 3 actually hired a credit repair company called Aggressive
 4 Credit Repair to try to -- I saw online where they were
 5 highly recommended and supposedly there were things that
 6 were paid that were still on there that had been on
 7 there longer than seven years, et cetera, that I was
 8 told that they could get off. The guy that owns
 9 Aggressive Credit Repair, his name is Loren Hanks; I
 10 went ahead and signed up with him. And Loren actually
 11 told me there were a lot of things that I had -- you
 12 know, the things that I owed, I paid. And I was told
 13 that if there was any money owed, I would have to pay to
 14 clean up my records, but, yeah, I was concentrating on
 15 cleaning my records up.
 16 Q. And you had mentioned that at one time you had
 17 some issues with your credit report and you had
 18 mentioned about some medical bills?
 19 A. Yes.
 20 Q. Do you recall about when that was?
 21 A. Well, several years ago we had quite a few issues
 22 with it.
 23 Q. When you say several years ago, do you mean like
 24 five years ago or ten years ago or longer than that?

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1 A. Even probably three years past that.
 2 Q. So around 2012?
 3 A. Probably 2012 is when we started -- that's when I
 4 started working on cleaning it up.
 5 Q. Okay.
 6 And I'd like to ask you just a few questions
 7 about your relationship with Aggressive Credit Repair.
 8 Do you recall when you first went to Aggressive Credit
 9 Repair?
 10 A. Well, I can't recall exactly, no.
 11 Q. Do you have like a ballpark idea around a season
 12 or year or a month and year?
 13 A. I really don't because, like I said, I've had
 14 credit problems in the past I had been working on. I
 15 can't remember. I just remember from like 2012 on that
 16 my credit had to be -- everything had to be paid on
 17 time. And some of the things that I've talked to, when
 18 you apply for mortgage financing, you can't be late for
 19 anything in the past year. So we made a point that we
 20 -- everything was paid on time.
 21 Q. So when you first met with Aggressive Credit
 22 Repair, what did they say that they were going to do for
 23 you?
 24 A. They told me they thought there were a lot of

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1 things that they could clean up on my records. And they
 2 actually told me that they could get a lot of stuff off
 3 my records. And they didn't really talk about how they
 4 were going to do it. And like I said, I saw on the
 5 Internet that they were highly rated in what they did,
 6 so I thought I would give them a try and he did clean a
 7 lot of things off of the record.
 8 Q. Okay.
 9 And was this around the same time that you were
 10 trying to refinance for -- the loan?
 11 A. Actually, I had him working before because I knew
 12 I had it coming up.
 13 Q. Okay. I see.
 14 And so do you know what exactly Aggressive Credit
 15 Repair did for you. -- I'm sorry. What exactly
 16 Aggressive Credit Repair did to fix your credit report?
 17 A. No. The only thing I can tell you, I've received
 18 letters back from the credit reporting agencies
 19 confirming that certain accounts were mine or saying
 20 that certain accounts were removed from my records and
 21 then the minute I would get them, I'd mail those to
 22 Loren Hanks. And then he would call me once a month to
 23 let me know that he had more letters going out, where he
 24 constantly was working on anything he had on there.

Page 23

1 Q. And those letters, do you know what those letters
 2 said?
 3 A. That he sent out?
 4 Q. Yes.
 5 A. No.
 6 Q. And so I can assume that you didn't have any part
 7 in drafting those letters, right?
 8 A. No, I did not.
 9 Q. Okay.
 10 And I think you previously stated there was a
 11 couple of things that you had that you wanted to
 12 dispute, so it wasn't just the Ocwen account that you
 13 were disputing; correct?
 14 A. That's correct.
 15 Q. Okay.
 16 And we were talking about these letters that were
 17 sent out on your behalf from Aggressive Credit Repair.
 18 And I would like to direct you to one of those dispute
 19 letters, if we can make that available to you, and this
 20 is from the documents that were produced by Aggressive
 21 Credit Repair, it's page one.
 22 A. Okay. I have it.
 23 Q. Okay.
 24 Are you familiar with this document?

Page 24

1 A. I wouldn't say I'm familiar with it. I might
 2 have seen it.
 3 Q. And do you recall if this document was sent to
 4 Equifax more than once?
 5 A. No, I do not know that.
 6 Q. Okay.
 7 And you can see here, there appears to be about
 8 11, I think, 12, 12 different accounts on here that
 9 Aggressive Credit Repair is disputing on your behalf.
 10 And you can see that the first account is Verizon. It
 11 says not mine, changes have been made to this account
 12 since previously verified. Do you recall what the
 13 dispute you were having with Verizon was?
 14 A. Actually, yes, I do.
 15 Q. And what was that?
 16 A. That actual account with Verizon was, I went with
 17 another service and they were saying I was going to have
 18 to owe a disconnection fee for not going through with my
 19 contract and I was arguing with Verizon that I was well
 20 past my contract. You were supposed to have a two-year
 21 contract and I was at least two and a half, three years
 22 into it. And we were arguing over the time and I was
 23 asking them to prove when that contract started and I
 24 would pay that, but I told them I was way past that

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1 contract date and they never did -- would come forward
 2 and show me where I had actually had it for only two
 3 years and they turned around and they put this on my
 4 credit report.
 5 Q. You see where it says not mine here. Do you have
 6 any idea why it says not mine?
 7 A. That's -- I had nothing to do with that. That's
 8 a Loren Hanks tactic, I guess.
 9 Q. Okay.
 10 And these two West Asset accounts; do you recall
 11 that these were for?
 12 A. Those are hospital bills.
 13 Q. Okay.
 14 A. All the West Assets are from medical bills.
 15 Q. And do I understand that West Asset is a
 16 collection agency; is that right?
 17 A. Yes, for the hospitals.
 18 Q. Okay.
 19 And they also say not mine. Did you have
 20 anything to do with that?
 21 A. No.
 22 Q. Okay.
 23 And there's an Ocwen account there, and I'll get
 24 to that in just a second. And then there's a credit

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1 C-O-L-L, do you know what that is?
 2 A. I have no clue what that one is.
 3 Q. Okay.
 4 A. Oh, that's a credit collection, that's another
 5 medical bill, I believe.
 6 Q. Okay.
 7 And that one says not mine. And I can assume
 8 that means that you didn't have anything to do with
 9 that?
 10 A. Yes, that's correct.
 11 Q. Okay.
 12 Then there's Frontier.
 13 A. Yes.
 14 Q. Do you know what the Frontier one is?
 15 A. Yes, I do.
 16 Q. And what is that?
 17 A. That was with Frontier, we switched companies
 18 from our cable company, our Internet company, and we
 19 found that Frontier was completely incompetent. It took
 20 us six months to get them to install our Internet
 21 correctly. And until they got it correctly, they had us
 22 go ahead and keep SuddenLink at the same time. And they
 23 told me that they would reimburse me or they would give
 24 us a credit on that for the SuddenLink and they never

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1 did get our cable -- once we got it, our Internet was
 2 freezing all the time. And I think they were saying we
 3 owed -- we ended up owing them \$75, but they actually
 4 owed me like a \$340 credit. And I was trying to get
 5 them to swap it out and they wouldn't do it and they put
 6 this on my credit report.
 7 Q. Okay.
 8 And that one says not mine, and can I assume that
 9 you didn't have anything to do with that?
 10 A. I had nothing to do with that.
 11 Q. Okay.
 12 And Green Tree, do you know what that one is?
 13 A. Yes.
 14 Q. And what is that one?
 15 A. That was a second mortgage on the house that
 16 ended up -- I think that was back in the time period
 17 when we were having problems financially and we ended up
 18 paying it off.
 19 Q. Okay.
 20 You said that there was a time period when you
 21 were having problems financially.
 22 A. Yes.
 23 Q. Do you know what time period that was?
 24 A. We had about five or six years probably that

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1 things were pretty rough.
 2 Q. Do you have like a range in years?
 3 A. I would imagine there were times that we did okay
 4 but we had some problems in a few years. I was taking
 5 care of both my parents, where I was taking time off of
 6 work, but it was probably anywhere from three to the
 7 last six years or so we had had some problems.
 8 Q. Okay.
 9 A. Yeah, I admit we've had some problems in the past
 10 but I cleared all of that up and worked on trying to get
 11 everything cleared up on my accounts.
 12 Q. Sure. I completely understand.
 13 And there's a Fidelity account there; do you know
 14 what the Fidelity is?
 15 A. Actually, I don't know what that's in regards to.
 16 I don't know if that's a medical bill or what.
 17 Q. Do you know what the First Federal is?
 18 A. I can imagine it was one of the charge cards that
 19 got paid off, but I'm not sure.
 20 Q. Okay.
 21 And this letter was sent to Equifax. Do you have
 22 any idea if TransUnion or -- I'm sorry, do you have any
 23 idea if a letter was sent to TransUnion or Experian?
 24 A. What letter are you talking about?

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1 Q. This letter that we're looking at here. And if
 2 we didn't mark this as an Exhibit, I'd like to mark this
 3 as Exhibit 2 --
 4 * * *
 5 (Whereupon, Deposition Exhibit No. 2 marked for
 6 purposes of identification.)
 7 * * *
 8 THE WITNESS: I assume that he sent it to
 9 all three.
 10 BY MR. KENNEY:
 11 Q. Okay.
 12 But do you know or do you just not know?
 13 A. Well, I didn't hire him to do -- I hired him to
 14 clean up my credit record, period, not just with
 15 Equifax.
 16 Q. Sure.
 17 A. So I'm under the assumption he was working with
 18 all three credit bureaus.
 19 Q. But you don't know if this letter for sure was
 20 sent to Experian or TransUnion; is that right?
 21 A. That's correct, yes.
 22 Q. Okay.
 23 And you had mentioned that there was a period
 24 there with financial difficulty and you had also

8 (Pages 26 - 29)

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1 mentioned that you were taking care of your parents.
 2 were there any other reasons why you began experiencing
 3 financial difficulty?
 4 A. Not really, other than just illnesses and medical
 5 bills which can add up pretty quickly.
 6 Q. Sure.
 7 So the Ocwen account, and this is back to Exhibit
 8 2, this letter to Equifax. The Ocwen account here is
 9 listed twice. Do you have any idea why it's listed
 10 twice?
 11 A. I have no idea.
 12 Q. But the account numbers are the same here; do you
 13 see that?
 14 A. Yes.
 15 Q. And on the first line it says, not mine; is that
 16 right?
 17 A. Uh-huh (yes).
 18 Q. And did you have any part in saying that this
 19 account is not yours?
 20 A. No. I had nothing to do with these letters.
 21 Q. And the second Ocwen account says never late. So
 22 you had nothing to do with saying that you were never
 23 late here?
 24 A. Yes. I nothing to do with it.

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1 Q. Okay.
 2 Do you know if the Ocwen account was appearing
 3 twice in your Equifax report?
 4 A. Yes. I did discover that later on, yes. I did
 5 know that.
 6 Q. And when did you discover that?
 7 A. Probably early 2014.
 8 Q. And do you know if either you or Aggressive
 9 Credit Repair did anything to tell Ocwen that the
 10 account was appearing twice -- that the Ocwen account
 11 was appearing twice and should not be?
 12 A. I did explain that to Loren Hanks and he
 13 supposedly was going to send a letter trying to dispute
 14 that being on there twice for the same account.
 15 Q. So you explained to Loren Hanks that the Ocwen
 16 account was appearing twice, did you explain that to
 17 anyone else?
 18 A. I'm trying to think. I think I might have
 19 explained it to Consumer Financial, a lady there.
 20 Q. Okay.
 21 And was there anyone else?
 22 A. I don't believe so.
 23 Q. Do you know if it was Ocwen or Equifax that was
 24 responsible for reporting this account twice?

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1 A. I did not know that until recently.
 2 Q. And by recently, do you mean when you spoke with
 3 your attorney?
 4 A. Yes. Can you rephrase that question again?
 5 Q. I'm sorry. I had asked you if you knew either it
 6 was Ocwen or Equifax that was responsible for reporting
 7 the Ocwen account twice. And you said that you learned
 8 that, and so I was wondering where you learned --
 9 A. No, no, no, I didn't know who was the one that
 10 was reporting it.
 11 Q. Do you know if the Ocwen account was appearing
 12 twice in your TransUnion report?
 13 A. I don't believe it is.
 14 Q. And do you know if any Ocwen account was being
 15 reported in your Experian report?
 16 A. You mean twice? Or just reported?
 17 Q. Well, I guess I should go back and ask you, do
 18 you know whether Ocwen was reporting to Experian?
 19 A. Yes, they were reporting to Experian.
 20 Q. Okay.
 21 I'll ask you just a few more questions about that
 22 in just a minute. But, let's see, so as we discussed,
 23 the first time that Ocwen appears in this letter, it
 24 says not mine, and I understand that you had no part in

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1 saying that; right?
 2 A. That's correct.
 3 Q. Okay.
 4 So I'd like to turn to the note in this case, the
 5 promissory note, if you have that available to you.
 6 Just let me know when you have that available. And this
 7 is in the documents that were produced by Ocwen; they
 8 say DD/OLF at the bottom. And the promissory note
 9 begins on page 356. And we can mark this as Exhibit 3.
 10 I believe.
 11 * * *
 12 (Whereupon, Deposition Exhibit No. 3 marked for
 13 purposes of identification.)
 14 * * *
 15 THE WITNESS: Okay. I'm on 356.
 16 BY MR. KENNEY:
 17 Q. Okay.
 18 And do you agree that this is a copy of the note
 19 that you signed when you originally took out this loan?
 20 A. Yes, it is.
 21 Q. And if you turn to page 357, there are two
 22 signatures there at the bottom for David Daugherty and
 23 Tina Daugherty. Are those you and your wife's
 24 signatures?

9 (Pages 30 - 33)

Page 34

1 A. Yes, I believe so.
 2 Q. And on the next page, page 358, there's a balloon
 3 payment addendum; do you see that?
 4 A. Yes.
 5 Q. And there's also two signatures there, David
 6 Daugherty and Tina Daugherty. Are those you and your
 7 wife's signatures?
 8 A. Yes, I believe they are.
 9 Q. And you would agree that your loan here has a
 10 maturity date on July 26, 2014, right?
 11 A. Yes.
 12 Q. But you didn't make any payment on the balloon by
 13 your maturity date of July 26, 2014, right?
 14 A. That's correct.
 15 Q. Okay.
 16 I'd also like for you to turn to page 346.
 17 A. Okay.
 18 Q. And pages 346 through 355 appear to be the Deed
 19 of Trust for this loan. Are you familiar with this
 20 document?
 21 A. Yes.
 22 Q. And if you turn to page 353 there are two
 23 signatures there, David Daugherty and Tina Daugherty.
 24 Are those you and your wife's signatures?

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1 A. Yes, I believe they are.
 2 Q. So you would agree that you and your wife were
 3 the borrowers on this loan, right?
 4 A. Yes.
 5 Q. And so you would agree that by saying that this
 6 loan is not yours in this dispute letter, it really was
 7 yours, right?
 8 A. Yes.
 9 Q. Okay.
 10 I'd like to ask you to turn to the Automated
 11 Consumer Dispute Verification forms, and this was
 12 produced by Equifax. And so at the bottom, there are
 13 numbers there that say EJS Daugherty and I'd like you to
 14 first turn to page 60.
 15 A. Okay.
 16 Q. And you can see on that page it says grantor
 17 name, and it says Ocwen Loan Servicing, right?
 18 A. I'm still looking. Okay, I see it now.
 19 Q. And that's your loan number there where it says
 20 account number?
 21 A. I assume it is.
 22 Q. Do you know for sure what your loan number is?
 23 A. No, I don't, not right here, right now, no.
 24 Q. Okay.

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1 And so there under reported consumer identity, it
 2 has your name, Daugherty, David Max; do you see that?
 3 A. Yes.
 4 Q. Okay.
 5 Are you familiar with what this document is?
 6 A. No, I'm not -- I'm not familiar with it.
 7 Q. Okay.
 8 If you look at the top of this document where it
 9 says dispute one, you'll see that it says user one, not
 10 his, hers, provide complete ID; do you see that?
 11 A. Yes, I do.
 12 Q. And if you turn to page 62, this appears to be
 13 the same document that was created May 31, 2013?
 14 A. Where's page 62 at? Okay.
 15 Q. This is another Automated Consumer Dispute
 16 Verification form and there under dispute one, it says
 17 not his, hers, provide complete ID; do you see that?
 18 A. Yes, I see it.
 19 Q. And you would agree that that Ocwen Loan
 20 Servicing and your name is listed on this page as well?
 21 A. Yes.
 22 Q. And if you'll turn to page 89 there's another
 23 Automated Consumer Dispute Verification form --
 24 MR. NOLAN: Do you want to mark that as

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1 an Exhibit before we move on, Jon?
 2 MR. KENNEY: I'm sorry?
 3 MR. NOLAN: Did you want to mark that as
 4 an Exhibit before we move on?
 5 MR. KENNEY: Yes, Exhibit 4, please.
 6 * * *
 7 (Whereupon, Deposition Exhibit No. 4 marked for
 8 purposes of identification.)
 9 * * *
 10 BY MR. KENNEY:
 11 Q. And page 89, which we can mark as Exhibit 5 is
 12 another Automated Consumer Dispute Verification form.
 13 This one appears to be dated July 3, 2013; do you see
 14 that?
 15 A. Yes.
 16 * * *
 17 (Whereupon, Deposition Exhibit No. 5 marked for
 18 purposes of identification.)
 19 * * *
 20 BY MR. KENNEY:
 21 Q. And that's your loan number and Ocwen Loan
 22 Servicing listed there?
 23 A. Yes.
 24 Q. And that's your name, David Daugherty; correct?

10 (Pages 34 - 37)

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1 A. That's correct.
 2 Q. And under the dispute, it says not his or hers.
 3 right?
 4 A. Yes.
 5 Q. And if you turn to page 95, I believe this will
 6 be Exhibit 5.
 7 MR. NOLAN: It will be number 6.
 8 MR. KENNEY: I'm sorry, Exhibit 6.
 9 * * *
 10 (Whereupon, Deposition Exhibit No. 6 marked for
 11 purposes of identification.)
 12 * * *
 13 BY MR. KENNEY:
 14 Q. And this is another document dated 7/3/2013 with
 15 your loan number and Ocwen Loan Servicing: correct?
 16 A. That's correct.
 17 Q. And that's your name, right?
 18 A. Yes.
 19 Q. And under the dispute, it says not his or hers,
 20 right?
 21 A. That's correct.
 22 Q. So you would agree that this loan was yours.
 23 right?
 24 A. I assume it was.

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1 Q. Okay.
 2 And so I'd like to go back to that letter from
 3 Ocwen to Equifax.
 4 A. Okay.
 5 Q. I'm sorry. I'm trying to mark them trying.
 6 Actually, I'm getting the numbers wrong. I believe this
 7 is Exhibit 3; is that right?
 8 MR. NOLAN: Is this the letter from Loren
 9 Hanks?
 10 MR. KENNEY: Yes.
 11 MR. NOLAN: That's Exhibit 2, I think. I
 12 think 3 was the note.
 13 MR. KENNEY: Right. Okay. You're right.
 14 BY MR. KENNEY:
 15 Q. And so the letter from you to Equifax, the second
 16 time that Ocwen is listed here, it says never late; do
 17 you see that?
 18 A. Yes.
 19 Q. Were you late at any time in making payments to
 20 Ocwen?
 21 A. Yes, I had been late.
 22 Q. And I believe you mentioned in your Complaint you
 23 were late on your Ocwen payment in March of 2013; is
 24 that right?

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1 A. Yes, I was late because my pension check hadn't
 2 made it into the bank and I didn't know until a couple
 3 of weeks later that it didn't go through because it
 4 wasn't in there yet, but that was the only time that it
 5 had been late in 2013.
 6 Q. There was no time before March 2013 that you were
 7 late on a payment to Ocwen?
 8 A. Previously -- months, yeah, I believe yes, but
 9 that was back before I was really working hard on my
 10 credit repairs.
 11 Q. Right.
 12 So this letter to Equifax where it says never
 13 late next to your Ocwen account, you would agree that
 14 you had been late before: correct?
 15 A. Yes. This wasn't -- these letters weren't from
 16 me.
 17 Q. Right. Okay.
 18 And if you recall -- let me ask you this. Did
 19 you ever tell Ocwen that you were never late on
 20 payments?
 21 A. No, not personally. Now, I'm going to recant
 22 part of that. I did tell Ocwen that I wasn't late in
 23 that time period in 2013. And they actually told me
 24 that I wasn't late in those time periods in 2013. And

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1 they told me --
 2 Q. What time periods are you talking about?
 3 A. I'm talking about -- I'll revise that even. Back
 4 in the late part, October 2013, when I found out there
 5 was a problem and I talked to Ocwen, they -- I could go
 6 online and it showed all of those months clear. And
 7 when I talked to the mortgage people, their officers,
 8 they said -- I told them that I hadn't been late, that I
 9 was being told on the credit report that it was. And
 10 they told me my problems were with Equifax.
 11 Q. Okay. And I apologize. I'm just trying to
 12 understand.
 13 So in October of 2014, you spoke with Ocwen: is
 14 that right?
 15 A. No. In October of 2013 --
 16 Q. Okay.
 17 A. -- when this all first started, I talked to them
 18 about what I found on there that was incorrect and they
 19 were telling me their records showed that I was current.
 20 Q. And so when you talked to Ocwen in October 2013,
 21 did you tell them that you were never late at all or did
 22 you tell them that you were never late for that month?
 23 A. I told them I was never late in all those months
 24 that they had me reported up to that point. And I

11 (Pages 38 - 41)

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1 admitted I was late the month of March.
 2 Q. Okay.
 3 And do you recall how you talked to Ocwen; did
 4 you call them?
 5 A. I called them on two or three occasions. I
 6 actually called them and tried to get their assistance
 7 because they were telling me that their reporting was
 8 correct, that I was not late, and that they were telling
 9 me that Equifax had made the problem, had the incorrect
 10 information, it wasn't them.
 11 Q. Do you recall the names of anyone that you spoke
 12 to at Ocwen?
 13 A. Well, one of the loan officers that I talked to,
 14 his name is John. I talked to him a couple, two or
 15 three times. So he must be one of the main ones that --
 16 I think they have specific people handle a certain
 17 numbers of accounts and I think he was -- I don't how
 18 they go by, but it seemed like he was one of the ones I
 19 talked to most times when I called.
 20 Q. Do you recall a last name or just John?
 21 A. It was just John. I can't remember the last
 22 name. He sounded African-American.
 23 Q. Did you speak with anyone other than John?
 24 A. I believe I did on one occasion but I can't

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1 remember who it was. I don't think I talked to John
 2 every time because I made more than a couple of phone
 3 calls, two or three phone calls or four or more. I
 4 don't know. I called several times. Like I said,
 5 inquiring and requesting help.
 6 Q. Do you recall when you made those phone calls?
 7 A. Well, they started off, like I said, in like
 8 October of 2013. When I finished talking to them on the
 9 phone, I started trying to find a number for Equifax and
 10 you can't just call Equifax; you've got to do everything
 11 in writing. So I started sending letters out from me to
 12 Equifax with the situation. And I think I'd get one
 13 back and it was saying they -- the one letter said that
 14 they found that my dispute was not accurate and that it
 15 was verified and they weren't going to make any changes.
 16 And I think I called Ocwen back again and I really
 17 wasn't that -- I just wanted the record fixed. I wasn't
 18 at any point where I was actually worrying about it
 19 because I thought I had plenty of time to get mortgage
 20 financing. I just wanted my record fixed.
 21 Q. Right.
 22 A. And it escalated from phone calls to where I was
 23 actually typing up letters, sending registered letters,
 24 getting advice from Consumer Counseling clear up until

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1 -- Consumer Financial actually recommended that I find
 2 an attorney.
 3 Q. And do you have copies of any of those letters
 4 that you sent -- did you send any letters to Ocwen?
 5 A. Yes, I did. I sent them and Equifax the first
 6 letters I sent out. I sent a copy to both of them --
 7 both of them said literally the same thing except the
 8 name of the different corporation on each one.
 9 Q. And do you have available copies of those
 10 letters?
 11 A. Yes, we do.
 12 Q. Okay.
 13 And when you were sending the letters and the
 14 phone calls, was that before or after you met with
 15 Aggressive Credit Repair?
 16 A. After.
 17 Q. Okay.
 18 So I understand that you had called in October
 19 2013; do you remember the month, years of any other
 20 calls that you had placed to Ocwen?
 21 A. Well, I believe it took about a month before I
 22 got an answer back from Equifax and I called again
 23 saying that they're saying it's verified. And I was
 24 told that my argument was with Equifax. So at that

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1 point, somewhere around that point, I think was when I
 2 typed up the letters and officially, formally, sent them
 3 out to both places. In my mind, I thought they were
 4 both in cahoots to try to take my house I had all the
 5 equity in.
 6 Q. So when you had spoken with Ocwen, were you aware
 7 that the Ocwen account was appearing twice in your
 8 Equifax credit report?
 9 A. No at that time, no.
 10 Q. Okay.
 11 So you never told Ocwen directly that the account
 12 was appearing twice in your Equifax credit report;
 13 correct?
 14 A. That's correct.
 15 Q. Okay.
 16 A. Not until later.
 17 Q. Right.
 18 And I understand that you had some issues with
 19 refinancing; is that right?
 20 A. Yes.
 21 Q. And when did you first seek any sort of credit
 22 that you were denied because of your credit report?
 23 A. It was probably in October of 2013.
 24 Q. And do you recall the first place that you were

12 (Pages 42 - 45)

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1 denied credit from?
 2 A. I would have to look it up. It was on one of
 3 them inquiries. If I saw the name of it, I'd remember
 4 it.
 5 Q. Okay.
 6 And do you recall which institutions you were
 7 denied credit from?
 8 A. If I saw the names on the credit report, I can
 9 tell you which ones they were. They all had to do with
 10 mortgage financing or refinancing.
 11 Q. Do you recall any credit card companies?
 12 A. Yeah, there was a couple.
 13 Q. Okay.
 14 And I would like to direct you to a document
 15 that's called Ocwen's data list, and this is located in
 16 documents that Ocwen produced as DD/OLS and it's page
 17 32. Just let me know when you get there.
 18 MR. NOLAN: I have 322.
 19 MR. KENNEY: Oh, I'm sorry 322, that's
 20 correct.
 21 THE WITNESS: Okay, I have it.
 22 MR. KENNEY: And I'd like to mark this
 23 document as Exhibit 7.
 24 * * *

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1 (Whereupon, Deposition Exhibit No. 7 marked for
 2 purposes of identification.)
 3 * * *
 4 BY MR. KENNEY:
 5 Q. And there are several columns on this document;
 6 do you see that?
 7 A. Yes.
 8 Q. At the top it says CRA data list and loan number
 9 and that's your loan number; do you see that?
 10 A. I see it.
 11 Q. And there is one column there called compliance
 12 and its ten columns from the right; do you see that?
 13 A. I see the compliance column.
 14 Q. And in three of the boxes under the compliance
 15 column, it says XB; do you see that?
 16 A. Yes.
 17 Q. And I'll represent to you that the code XB means
 18 that account information is disputed under the Fair
 19 Credit Reporting Act?
 20 A. Okay.
 21 Q. And if you look, there's an XB in the column that
 22 is associated with the row dated October 31st, 2013; do
 23 you see that?
 24 A. Yes.

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1 Q. And there's an XB in the column for the row dated
 2 November 30 of 2013, right?
 3 A. I assume. I'm having trouble reading this but I
 4 assume that's the column.
 5 Q. And there's another XB in the column for the row
 6 dated December 31st, 2013, right?
 7 A. Yes.
 8 Q. So knowing that the code XB means that Ocwen
 9 reported the account as disputed under the Fair Credit
 10 Reporting Act --
 11 MR. NOLAN: Objection. The client
 12 doesn't know what Ocwen's codes mean.
 13 MR. KENNEY: And like I said, under my
 14 representation that XB means that account information is
 15 disputed under the FCRA or the Fair Credit Reporting
 16 Act, is it fair to say that Ocwen reported this account
 17 as disputed in October of 2013?
 18 THE WITNESS: Well, if you say that's
 19 what it is, I couldn't tell you. If you say that's what
 20 it is, I'd have to take your word for it.
 21 BY MR. KENNEY:
 22 Q. Do you know if Ocwen ever reported the account as
 23 disputed to Equifax?
 24 A. No, I don't know that.

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1 Q. So am I right in saying that you don't know if
 2 they did or if they didn't?
 3 A. That's correct, I don't know.
 4 Q. Okay.
 5 And I would like you to look now at the expert
 6 reports that were provided on your behalf. And just let
 7 me know when that's available to you.
 8 A. Okay. I have it in my hand.
 9 Q. And we can mark this as Exhibit 8.
 10 * * *
 11 (Whereupon, Deposition Exhibit No. 8 marked for
 12 purposes of identification.)
 13 * * *
 14 BY MR. KENNEY:
 15 Q. And the first page says Plaintiff's Rule 26(a)(2)
 16 Expert Witness Report; do you see that?
 17 A. Yes.
 18 Q. And this is a document that Evan Hendrix provided
 19 on your behalf. And if you look at the bottom of this
 20 page, it says page 1 at the bottom.
 21 A. Okay.
 22 Q. And under the parentheses one, above the
 23 parentheses one, it says when plaintiff disputes the
 24 accuracy and completeness of the Ocwen account, went to

13 (Pages 46 - 49)

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1 Equifax and Equifax forwarded the dispute to Ocwen,
 2 Ocwen failed to, one, report to Equifax that plaintiff's
 3 account was notated as disputed by consumer with the
 4 proper code from metro two; do you see that?
 5 A. Actually, I don't see any of that.
 6 Q. Do you see --
 7 A. Okay, I'm on page one now.
 8 Q. And at the very bottom of page one, --
 9 A. Okay.
 10 Q. -- it says Ocwen, and underneath that at the very
 11 bottom there's a parentheses that says one; do you see
 12 that?
 13 A. Yes.
 14 Q. And above that it says when plaintiff disputes
 15 the accuracy and completeness of the Ocwen account went
 16 to Equifax and Equifax forwarded the disputes to Ocwen.
 17 Ocwen failed to -- and then in parentheses one it says,
 18 report to Equifax that plaintiff's account was notated
 19 as disputed by consumer with a proper code from metro
 20 two; do you see that?
 21 A. Yes.
 22 Q. So under my representation, that being code XB
 23 does in fact mean that the account information as
 24 disputed under the Fair Credit Reporting Act, would you

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1 agree that this report is incorrect because Ocwen did,
 2 in fact, report the account as disputed?
 3 A. I guess if that's what you say it is, I'd have to
 4 believe you.
 5 Q. Okay.
 6 And I'd like to direct you now to your
 7 CreditScore.com report. We can mark this as Exhibit 9.
 8 MR. NOLAN: And this is the one we
 9 produced in discovery?
 10 MR. KENNEY: So you produced this
 11 document in discovery and Aggressive Credit Repair
 12 produced this document as well.
 13 MR. NOLAN: Okay.
 14 MR. KENNEY: The documents that you
 15 produced do not have Bates numbers on the bottom. And
 16 so if it would make it easier, we can use the
 17 CreditScore.com report that Aggressive Credit Repair
 18 produced. That way we can just navigate a little bit
 19 easier.
 20 MR. NOLAN: Got you. And is it correct
 21 that it's ARC seven through 41?
 22 MR. KENNEY: That's right.
 23 THE WITNESS: Okay. I have it in my
 24 hand.

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1 * * *
 2 (Whereupon, Deposition Exhibit No. 9 marked for
 3 purposes of identification.)
 4 * * *
 5 BY MR. KENNEY:
 6 Q. Okay.
 7 And this is a -- have you ever seen this document
 8 before?
 9 A. I'm not sure.
 10 Q. You can see it says CreditScore.com, credit
 11 report prepared for David Max Daugherty?
 12 A. Yeah, I believe I've seen this before. Yes.
 13 Q. The report is dated April 17, 2014, right?
 14 A. Yes, I think I've seen this one before.
 15 Q. Okay.
 16 And, like I said, this document was produced by
 17 Aggressive Credit Report Repair --
 18 A. Yes.
 19 Q. -- but the same report that your Counsel
 20 provided, and we'll just use this one because it's a
 21 little bit easier with the numbers down there at the
 22 bottom.
 23 A. Okay.
 24 Q. Would you say that this credit report accurately

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1 reflects your credit report as of April 17, 2014?
 2 A. I couldn't tell you. I'd have to look at it.
 3 Q. And, again, this is a credit report that you
 4 provided but what you're saying is, you're not sure if
 5 this is an accurate credit report or not?
 6 A. I assume it is. I'm not sure if this one has all
 7 of the things that are incorrect on it.
 8 Q. Okay.
 9 If you turn to page 23, at the bottom, right-hand
 10 corner is marked as page 23.
 11 A. (Witness complies).
 12 Q. There is an Ocwen account and there are three
 13 boxes that say Experian, Equifax and TransUnion, right?
 14 A. Yes.
 15 Q. And in the TransUnion box it states account
 16 information disputed by consumer; do you see that?
 17 A. I'm looking. You say on page 23?
 18 Q. Yes.
 19 A. Where are you seeing that; disputed by consumer?
 20 Q. In the TransUnion box at the bottom it says
 21 account information disputed by consumer?
 22 A. I see that, yes.
 23 Q. So is it fair to say that TransUnion was
 24 reporting your Ocwen account as disputed as of April 17,

14 (Pages 50 - 53)

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1 2014?
 2 A. Yes.
 3 Q. And in the Equifax box, under the payment status
 4 it says paid as agreed; do you see that?
 5 A. Yes.
 6 Q. And in the Experian box there's nothing; do you
 7 see that?
 8 A. Yes, I see that.
 9 Q. So you would agree that Experian was not
 10 reporting on your Ocwen account at all?
 11 A. Maybe not that particular month but many months
 12 they did, I believe, I'm not sure, but evidently not in
 13 this box.
 14 Q. Okay.
 15 So it's fair to say that as of April 17, 2014
 16 Experian was not reporting?
 17 A. Yes.
 18 Q. Okay.
 19 And the Equifax box because it says paid account
 20 as agreed, is it fair to say that as of April 17, 2014
 21 Equifax is not reporting you as currently delinquent on
 22 this account here?
 23 A. That's correct.
 24 Q. Okay.

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1 And there are additional documents that were
 2 produced by Aggressive Credit Repair. These are
 3 documents from Equifax that were sent to you in response
 4 to your credit dispute and these are pages 75 through
 5 117, ACR document 75 through 117. Are you familiar with
 6 these documents?
 7 A. No, not really. I believe these are -- let me
 8 take a look here for a minute.
 9 Q. Okay.
 10 I'd like to mark these -- I believe, are we at
 11 Exhibit 10?
 12 MR. NOLAN: Yes.
 13 * * *
 14 (Whereupon, Deposition Exhibit No. 10 marked for
 15 purposes of identification.)
 16 * * *
 17 THE WITNESS: Yeah, I'm vaguely familiar
 18 with some of these.
 19 BY MR. KENNEY:
 20 Q. Okay.
 21 I'd like you to turn to page 93 on the bottom
 22 right-hand corner. And this is a letter from Equifax
 23 dated March 24th, 2014; do you see that?
 24 A. Okay. Page 93, March 24th?

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1 Q. Right.
 2 A. Okay. I have it in front of me.
 3 Q. And you'll see there are a couple of boxes there
 4 where it says we've researched the collection account
 5 number for West Asset Management. And if you turn to
 6 page 94, you'll see at the bottom there, there's a box
 7 where it says we've researched the account for Ocwen
 8 Loan Servicing; do you see that?
 9 A. It's at the very bottom?
 10 Q. It's at the bottom of page 94, it says Ocwen Loan
 11 Servicing?
 12 A. And it says pays as agreed?
 13 Q. Right. Right.
 14 And under the status it says pays as agreed. And
 15 on page 95, at the top of page 95, there's a second
 16 Ocwen Loan Servicing box; do you see that one?
 17 A. Yes.
 18 Q. And this one also says pays as agreed, right?
 19 A. Yes.
 20 Q. So would you agree that on March 24, 2014 Equifax
 21 was not reporting you currently delinquent on any Ocwen
 22 accounts, right?
 23 A. I don't know that for certain.
 24 Q. We had discussed here for this report or this

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1 letter from Equifax dated March 24, 2014, in the first
 2 box for Ocwen on page 94 it says status, paid as agreed.
 3 And the second Ocwen account, which is on page 95 under
 4 the status it says pays as agreed; right?
 5 A. I see that's what they say here. I'm not sure
 6 when they actually took that off my records.
 7 Q. Okay.
 8 A. There was one account they had listed paid as
 9 agreed and the other account said just exactly the
 10 opposite and on the same account number. And I'm not
 11 sure what month that I recall that they took it off, but
 12 it was after the lawsuit was filed.
 13 Q. Right.
 14 And I'd like you to turn now to a document that
 15 Experian produced. This is EIS -- I'm sorry, a document
 16 that Equifax produced, this is EIS 257 through 261.
 17 * * *
 18 (Whereupon, Deposition Exhibit No. 11 marked for
 19 purposes of identification.)
 20 * * *
 21 THE WITNESS: Okay. I have it.
 22 BY MR. KENNEY:
 23 Q. Again, this is a document that Equifax produced
 24 and on page 257 at the top, you see a timestamp there,

15 (Pages 54 - 57)

<p style="text-align: right;">Page 58</p> <p>1 April 24th, 2014, right?</p> <p>2 A. Yes.</p> <p>3 Q. And it's got your name on this document?</p> <p>4 A. Yes.</p> <p>5 Q. Can you turn to page 260?</p> <p>6 A. (Witness complies). Okay.</p> <p>7 Q. There at the bottom there is a -- let me make</p> <p>8 sure I have the right page. Okay. At the very bottom</p> <p>9 of page 260, it says Ocwen Loan Servicing; do you see</p> <p>10 that?</p> <p>11 A. Yes, I do.</p> <p>12 Q. And on page 261 is the remainder of that entry</p> <p>13 for Ocwen Loan Servicing, right?</p> <p>14 A. Yes.</p> <p>15 Q. And you'll see that it says consumer disputes,</p> <p>16 reinvestigation in process; do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. And underneath that is another box that says</p> <p>19 Ocwen Loan Servicing, right?</p> <p>20 A. Yes.</p> <p>21 Q. And under that it says consumer disputes,</p> <p>22 reinvestigation in process, right?</p> <p>23 A. Yes.</p> <p>24 Q. So is it fair to say that as of April 24th, 2014,</p>	<p style="text-align: right;">Page 60</p> <p>1 Equifax was aware and knew that these Ocwen accounts</p> <p>2 were disputed because that's what they had written here?</p> <p>3 A. I would say that's correct.</p> <p>4 Q. Okay.</p> <p>5 Now, I'd like to go to some documents that you</p> <p>6 provided and this is the Quicken letter. I'd like to</p> <p>7 ask you a few questions about when you had applied for</p> <p>8 credit with some of these lending institutions. And so</p> <p>9 we'll just be looking at all of the documents that you</p> <p>10 provided in this case. In the first page of the</p> <p>11 documents that you provided is letter from Quicken</p> <p>12 Loans?</p> <p>13 A. Yes.</p> <p>14 Q. We can mark this as Exhibit 12.</p> <p>15 * * *</p> <p>16 (Whereupon, Deposition Exhibit No. 12 marked for</p> <p>17 purposes of identification.)</p> <p>18 * * *</p> <p>19 BY MR. KENNEY:</p> <p>20 Q. And you can just let me know when you're there.</p> <p>21 A. Now what page are we looking at?</p> <p>22 Q. Well, these actually don't have page numbers at</p> <p>23 the bottom, but there's a letter from Quicken Loans and</p> <p>24 it has your name there and address on it says, Dear</p>
<p style="text-align: right;">Page 59</p> <p>1 Equifax was aware that these two Ocwen accounts were</p> <p>2 disputed?</p> <p>3 A. I'm sure they were. It also states on there the</p> <p>4 foreclosure process started on that same line.</p> <p>5 Q. And going off of this document that we're looking</p> <p>6 at now, page 260 and 261 where it says consumer</p> <p>7 disputes, reinvestigation in progress, in process, and</p> <p>8 this document is dated April 24th, 2014 --</p> <p>9 A. What page are you on?</p> <p>10 Q. This is page 260 to 261, the pages that we were</p> <p>11 just looking at.</p> <p>12 A. Okay.</p> <p>13 Q. And the two Ocwen accounts, they say consumer</p> <p>14 disputes, reinvestigation in process, right?</p> <p>15 A. Yes.</p> <p>16 Q. And this document is dated April 24th, 2014,</p> <p>17 right?</p> <p>18 A. Yes.</p> <p>19 Q. And this is an Equifax document, right?</p> <p>20 A. I'm told it is.</p> <p>21 Q. Well, it was produced by Equifax in this case,</p> <p>22 right?</p> <p>23 A. Okay.</p> <p>24 Q. So is it fair to say that as of April 24th, 2014,</p>	<p style="text-align: right;">Page 61</p> <p>1 David M. Daugherty and Tina M. Daugherty; do you see</p> <p>2 that?</p> <p>3 A. I have that in front of me.</p> <p>4 Q. Okay.</p> <p>5 Are you familiar with this document?</p> <p>6 A. Yes.</p> <p>7 Q. And this is a document stating that Quicken Loans</p> <p>8 is unable to offer you financing at this time, right?</p> <p>9 A. That's correct.</p> <p>10 Q. Do you recall when you applied for credit from</p> <p>11 Quicken Loans?</p> <p>12 A. It was in the spring of 2014.</p> <p>13 Q. Okay.</p> <p>14 And how many times did you apply for credit with</p> <p>15 Quicken Loans?</p> <p>16 A. That was the first time.</p> <p>17 Q. And you applied again, right?</p> <p>18 A. Yes.</p> <p>19 Q. And when was that, when was the second time?</p> <p>20 A. I believe -- let me think here, I believe it was</p> <p>21 in April of this year.</p> <p>22 Q. Okay.</p> <p>23 So I'm just going to ask you a few questions</p> <p>24 about the first time that you applied for credit from</p>

16 (Pages 58 - 61)

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1 Quicken Loans. When you applied, did you apply for this
2 as a joint application with you and your wife or did you
3 apply by yourself?

4 A. This was over the phone and he took information
5 on my wife and myself.

6 Q. So would you say that your application to Quicken
7 Loans was a joint application with you and your wife?

8 A. Yes.

9 Q. And that would explain why this Quicken Loans
10 letter is addressed to you and your wife; correct?

11 A. That's correct.

12 Q. And do you know why you were denied credit from
13 Quicken Loans?

14 A. I can only tell you what the loan officer on the
15 phone told me. When I explained to him that with my
16 mortgage payments, he told me there was no way they
17 would approve that with that on there.

18 Q. But you had still applied, right, despite what he
19 told you?

20 A. I applied over the phone, yes.

21 Q. And what was the reason for applying despite what
22 he had told you?

23 A. Well, the reason I applied was because I knew I
24 had this maturity date in July.

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1 Q. So do I understand that it was just kind of to
2 give it a shot kind of thing even though he was telling
3 you that?

4 A. Well, I applied -- during the application of
5 applying, that's when I discussed the situation that I
6 was in. He told me over the phone that it wasn't going
7 to go through because of this and I actually didn't even
8 know it was going to be considered a loan application.
9 I gave him information over the phone, yes.

10 Q. I see. Do you know --

11 A. But the conversation --

12 Q. I'm sorry.

13 A. But the conversation ended pretty much there that
14 it wasn't going to be approved with what I had on my
15 records.

16 Q. I'm assuming that you had given him you and your
17 wife's Social Security numbers as part of this process;
18 is that right?

19 A. That's correct.

20 Q. Okay.

21 And on this letter, on the second page of this
22 letter on the back, it says your name and it says that
23 we obtained your credit score from TransUnion, right?
24 Do you see that?

Page 64

1 A. Yes. Yes.

2 Q. And underneath that it gives you your credit
3 score and it gives you the date and tells you where the
4 scores range and then it gives you key factors which
5 advertently affect your credit score; right?

6 A. Yes.

7 Q. And there are four items there; correct?

8 A. That's correct.

9 Q. And again, at the top it says we obtained your
10 credit score from TransUnion, right?

11 A. That's correct.

12 Q. So is it fair to say that Quicken did not deny
13 your loan on the basis of your Equifax score because
14 they're saying they obtained your credit score from
15 TransUnion; right?

16 A. That is not what they told me.

17 Q. What did they tell you?

18 A. When I discussed it with Quicken Loans on the
19 phone, when I told him up front that I had a problem
20 with my mortgage, before he even goes any further with
21 this application, I wanted to talk to him about what was
22 going on with my mortgage and after I talked about with
23 him, he said it wasn't going to go through with that and
24 I assumed that the application had actually ended at

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1 that point.

2 Q. Let's just take a couple of steps back. When you
3 were talking about the trouble with your mortgage, what
4 exactly were you referring to?

5 A. When I told him I had a lot of things reported in
6 2013 on my mortgage that was incorrect, and showing I
7 was in foreclosure and \$6,128 past due, that that was
8 incorrect and I was in the process of trying to have it
9 fixed. And even at that point I had already had -- I
10 don't know if we had filed suit but I had already been
11 well started on that when this was all done.

12 Q. And so the information that was reported
13 regarding the foreclosure and the amount that was past
14 due, that was appearing on your Equifax credit report;
15 correct?

16 A. That's correct.

17 Q. And are you aware that that information,
18 specifically regarding the foreclosure and the amount
19 past due, are you aware if that information was
20 appearing on your TransUnion report?

21 A. No, I was aware -- I was pretty much aware it was
22 not appearing on my TransUnion report -- but I wasn't
23 aware that he was even going to check it on any of the
24 credit reporting agencies with phone call I had with

17 (Pages 62 - 65)

Page 66

1 him.
 2 Q. Okay.
 3 So it was your understanding that the foreclosure
 4 and the past due amount was not appearing in your
 5 TransUnion report, right?
 6 A. Yes, I understood that to be correct.
 7 Q. Okay.
 8 So going back to this letter, it says from
 9 Quicken Loans, and the page that says, we obtained your
 10 credit score from TransUnion and used it to make our
 11 credit decision, right?
 12 A. Yeah, I understand this.
 13 Q. So if Quicken Loans obtained your credit score
 14 from TransUnion, they would have no knowledge of what
 15 Experian or Equifax reported, right?
 16 A. Well, that's correct. But they told me on the
 17 phone -- they never even mentioned TransUnion, like I
 18 said, I wasn't even aware they were going to go further
 19 than that because the conversation was over with when he
 20 told me it wouldn't be approved with that on the record.
 21 Q. Right.
 22 And I understand what may have been told to you
 23 on the phone, but as far as this particular letter that
 24 says we obtained credit score from TransUnion in making

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1 our credit decision, then as far as what's contained in
 2 this letter, what is appearing in your Equifax report is
 3 irrelevant to whether or not you were denied credit?
 4 A. Well, that's not true either. According to
 5 Consumer Credit Counseling, having a government lien put
 6 on you, really drops your credit score dramatically.
 7 Q. Right, I understand that.
 8 A. And that played a major part, even if it was
 9 TransUnion.
 10 Q. Right.
 11 I understand that, but specifically about the
 12 foreclosure and the past due amount, which was not
 13 appearing on your TransUnion report?
 14 A. Yes.
 15 Q. So from what's contained in this letter from
 16 Quicken, when they obtained your credit score, they had
 17 no knowledge of the foreclosure or the past due amount
 18 that was appearing in your Equifax report because they
 19 had obtained your credit score from TransUnion, right?
 20 A. On paper here, yes, on the phone, no.
 21 Q. Okay.
 22 And I understand you had also applied for credit
 23 from Visa, a Disney Visa card; is that right?
 24 A. No, actually, that's not true.

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1 Q. So you did not apply for credit from Disney Visa
 2 platinum credit card?
 3 A. I will guarantee you I didn't, but I will tell
 4 you who did.
 5 Q. And who did that?
 6 A. I'm sure my wife. She absolutely goes crazy if
 7 anything has Disney on it, I'm sure she did. And I hate
 8 Disney World and there's no way I would have a Disney
 9 platinum card.
 10 Q. Oh, I understand you there.
 11 So you were not aware whether you had -- so what
 12 you're saying is that you did not apply for credit from
 13 --
 14 A. No, it wasn't me. Evidently she forgot because
 15 it was not me.
 16 Q. Okay. Okay.
 17 And because you did not apply for this, I'm
 18 assuming you don't know whether the application for this
 19 credit card was a joint application or a separate
 20 application?
 21 A. I saw the -- I'm the one that gets the mail every
 22 day and, yeah, I did see the rejection notice from the
 23 Visa card company.
 24 Q. Right.

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1 But do you know whether your wife had applied for
 2 this card under both of your names or just under your
 3 name?
 4 A. I can't remember. I don't have that paper in
 5 front of me right this minute. I don't know if she did
 6 it on her own or in both of our names.
 7 Q. Okay. All right.
 8 There is another document from -- let's see,
 9 okay. So other than this Disney Visa platinum credit
 10 card and this Quicken Loans, were you denied credit from
 11 many other entities?
 12 A. Yes.
 13 Q. And who are those entities?
 14 A. Actually, early on I was denied credit with Big
 15 Sandy Furniture Store in Parkersburg.
 16 Q. Other than that?
 17 A. As far as mortgage companies, and actually, a few
 18 minutes ago I saw the one, it was actually the very
 19 first company, it was Embrace Loans, mortgage loans,
 20 they were the first ones that I applied with and I also
 21 applied with -- let me think here, back in February of
 22 this year with One Community Federal Credit Union that I
 23 was denied and the loan officer came out and actually
 24 told me that the decision by the two guys that makes the

18 (Pages 66 - 69)

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1 decisions on the loans had actually said if it wasn't
 2 for the late, 120 days late, for all those months in
 3 2013 and also the foreclosure and this situation being a
 4 court case, they said they would have given me the loan.
 5 Q. Okay.
 6 So there's a furniture -- was that just financing
 7 from the furniture store?
 8 A. Yes.
 9 Q. Okay.
 10 And Embrace, right?
 11 A. Yes. Embrace was the very first mortgage company
 12 I tried to obtain a refinancing loan and I think Quicken
 13 was the second.
 14 Q. Okay.
 15 So I have the furniture store, Embrace, One
 16 Community and Quicken and this Disney card; were there
 17 any others?
 18 A. There might have been, I can't remember. There
 19 were several.
 20 Q. Well, let me ask you about the Embrace, do you
 21 recall when you applied for that loan?
 22 A. Well, actually, I didn't. I thought it was
 23 around October but I think the paperwork I saw a few
 24 minutes ago had like around in June or July of 2013.

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1 And they were showing I was actually currently late,
 2 that's when I found out that I was showing currently 120
 3 days late that particular month that I actually applied,
 4 on my mortgage.
 5 Q. Okay.
 6 So you're saying June or July of 2013 for
 7 Embrace?
 8 A. Correct.
 9 Q. Okay.
 10 And how about the furniture store?
 11 A. I think that was in or around January of 2014.
 12 Q. And what were the circumstances there: were you
 13 trying to purchase furniture?
 14 A. I was having some back problems and my bed needed
 15 to be replaced and I thought I would try to get another
 16 mattress, but I sort of found out quickly that I
 17 couldn't get a loan to get a hot dog.
 18 Q. Okay. So that was January 2014.
 19 And do you have any documents from the furniture
 20 store that denied you credit or were you just told that
 21 by the associates there at the furniture store?
 22 A. She had told me that, but I think they did send
 23 me a letter later on in the mail.
 24 Q. And do you have that letter available to you?

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1 A. I don't think I do.
 2 Q. Okay.
 3 So the One Community, do you recall when you
 4 applied for credit with them?
 5 A. Did you say who?
 6 Q. One Community, the federal credit union.
 7 A. Yes.
 8 Q. When did you apply for credit with them?
 9 A. I believe it was February of this year.
 10 Q. And do you recall if you applied in your own name
 11 or if you applied in both you and your wife's name?
 12 A. Just my name.
 13 Q. Okay.
 14 And the Embrace loan, do you recall if you
 15 applied for that in just your name or whether a joint
 16 application of you and your wife?
 17 A. I assume it was just in my name. I can't be
 18 positive, I assume, I usually did everything myself.
 19 Q. Okay.
 20 So other than being denied credit from certain
 21 lending institutions, did your credit report affect you
 22 adversely for anything else?
 23 A. Absolutely.
 24 Q. And what was that?

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1 A. My insurance, it lists all the complications from
 2 the liens on my credit report; that raised all my
 3 insurances from my auto to my homeowner's insurance.
 4 Q. Okay.
 5 Anything else?
 6 A. As far as monetary, that's probably it.
 7 Q. Okay.
 8 So I would like to go back to the -- I apologize.
 9 Let me straight that.
 10 So I'd like to go back to when we were talking
 11 about your relationship with Aggressive Credit Repair.
 12 A. Okay.
 13 Q. And there are some documents that were produced
 14 by Aggressive Credit Repair that contain correspondence
 15 between you and Loren Hanks. And this begins on page 43
 16 through 74 of the ACR docs.
 17 A. Okay. I have them.
 18 Q. All right.
 19 And I'd like to mark this as an exhibit as well.
 20 * * *
 21 (Whereupon, Deposition Exhibit No. 13 marked for
 22 purposes of identification.)
 23 * * *
 24 BY MR. KENNEY:

19 (Pages 70 - 73)

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1 Q. And if you could, just turn to page 45. And this
 2 appears to be correspondence from Loren Hanks to you
 3 dated April 17th; do you see that?
 4 A. I'm looking. Yes, I see this.
 5 Q. Okay.
 6 And here Loren is telling you, it says as
 7 discussed, I see nothing that shows you late on Ocwen in
 8 2013; do you see that?
 9 A. Yes, I see that.
 10 Q. Okay.
 11 So this is Loren telling you that as of April
 12 17th, 2014, he sees nothing that shows you late on Ocwen
 13 in 2013, right?
 14 A. Yes.
 15 Q. And it also states -- it also states below the
 16 screenshot in the last response we got from Equifax,
 17 below you can see the account is current. The last late
 18 payments were March 2012; do you see that?
 19 A. I see that on this particular, yes.
 20 Q. And underneath that, he says you can see that
 21 Experian not even reporting on this account; do you see
 22 that?
 23 A. Yes, I see that.
 24 Q. Is there anything to suggest that he was wrong in

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1 what he's saying in this email?
 2 A. Well, actually, at one point, and I can't
 3 remember if this is the one, but I had to correct him.
 4 He didn't see the second Ocwen report. He didn't see
 5 that it was listed twice for the same account number and
 6 I'm not sure if this is the one that had them both or
 7 not. And there was a time that we were discussing this
 8 and I had to make him aware that it was reported twice.
 9 And he didn't even see it either. And I told him that's
 10 what I've been complaining about, disputing. And that's
 11 what kept showing up when loan companies were checking
 12 out the credit.
 13 Q. Okay.
 14 So with regard to this particular -- and I
 15 understand when you're saying that the Ocwen account was
 16 appearing twice, but with regard to this particular
 17 account that he was referring to, this particular time
 18 that Ocwen is appearing, is there anything to suggest
 19 that he's wrong in saying that there's nothing that
 20 shows you late from Ocwen in 2013?
 21 A. Not on this particular page but I'm not sure if
 22 this is the one -- I mean I'm not sure if this is the
 23 same conversation that we were having where he didn't
 24 understand it was reported twice.

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1 Q. Right.
 2 So we have one account that was reporting saying
 3 that there was a foreclosure and a past due amount?
 4 A. Correct.
 5 Q. There's another account that he is referring to
 6 in this, you know, here, where he's saying that he sees
 7 nothing showing you late with Ocwen in 2013, below you
 8 can see the account is current, the last late payment
 9 was March 2012 and you can see Experian is not reporting
 10 on this account, right?
 11 A. That's correct.
 12 Q. So but that account, I'm not talking about the
 13 one that says the foreclosure, but for this other
 14 account, is there anything to suggest that Mr. Hanks was
 15 incorrect in his assessment here?
 16 A. On this particular page, no, I don't see anything
 17 that's incorrect.
 18 Q. Okay.
 19 And if you turn to page 47, this is
 20 correspondence dated March 28th, 2014. And this is from
 21 Loren to you as well, right?
 22 A. Yes, I believe.
 23 Q. And referring to the Equifax report, it states
 24 Ocwen does not show you past due; do you see that?

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1 A. Yes.
 2 Q. And it says it still reports you late but you can
 3 see a note disputing it, right?
 4 A. Yes.
 5 Q. And also you see the note disputing it.
 6 Is there anything to suggest that he was
 7 incorrect in his assessment here?
 8 A. No, not that I can tell.
 9 Q. Okay.
 10 So from what we've seen in the -- well, let's
 11 turn back to the CreditScore.com report, and from what
 12 we've discussed through looking through -- and from the
 13 email from Loren Hanks, we've discussed that Experian
 14 was not reporting on your Ocwen account, right?
 15 A. That's what I understand, yes.
 16 Q. Okay.
 17 And if we go to page 38 on the CreditScore.com
 18 report, it gives you your three credit scores, right?
 19 A. Yes.
 20 Q. And this is the report as of April 17, 2014,
 21 right?
 22 A. That's correct.
 23 Q. So the Experian score is actually lower than the
 24 Equifax and TransUnion scores; do you see that?

20 (Pages 74 - 77)

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1 A. Yes, I do.
 2 Q. And we talked earlier about how Experian was not
 3 reporting at all on Oewen and so given that the Experian
 4 and TransUnion were actually higher -- I'm sorry, given
 5 that the Equifax and TransUnion were actually higher
 6 than Experian, is it fair to say that the Oewen account
 7 didn't have much impact on your credit score here?
 8 A. It absolutely did have impact on my credit score.
 9 Q. And why do you say that?
 10 A. Because if it wasn't for all of that, I never
 11 would've had the tax liens put on me which really
 12 dramatically dropped my credit scores.
 13 Q. Okay.
 14 So we can go back to that. I understand that you
 15 have the tax liens and that you wanted to refinance your
 16 home so that you could use part of that to pay off the
 17 tax lien, right?
 18 A. Absolutely.
 19 Q. And you're claiming that you were unable --
 20 A. I want to rephrase that.
 21 Q. Sure.
 22 A. There never would've been a tax lien if the
 23 financing would have gone through. It would've never
 24 have come to the tax lien and it never would've tanked

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1 my credit scores on all three credit-reporting
 2 companies.
 3 Q. So how did the tax lien come about again?
 4 A. My wife cashed in a 401(k). When she retired,
 5 she had two 401(k) plans. With my medical bills and
 6 different things, she cashed one in, in 2012 for the
 7 year 2012, it ended up we owed like \$11,000 or \$12,000
 8 in state tax from her cashing that 401(k) in. We also
 9 owed one for the federal government and I knew I was
 10 going to have to refinance the house. I was going to
 11 take out enough to pay the tax situations off. But
 12 since the loans didn't go through because of this on my
 13 credit report, I couldn't get the loan. I couldn't pay
 14 the taxes at the time. The state wouldn't cooperate as
 15 far as me making payments and they put a tax lien on me
 16 and I really didn't give it any -- even with the tax
 17 lien on there, I thought it would all work out and I
 18 could still go pay the lien off and be no problems and
 19 move on. But, yes, all of this made a major implication
 20 with my credit scores being low.
 21 Q. Okay.
 22 So I understand that the lien -- so is it fair to
 23 say that the lien occurred because you were not able to
 24 pay off the tax liabilities, but is it fair to say that

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1 the tax liabilities arose completely independent by
 2 anything that Oewen may have reported?
 3 A. Well, if --
 4 Q. I'll rephrase that.
 5 A. Okay.
 6 Q. Is it fair to say that Oewen had nothing to do
 7 with the origination of the tax liabilities themselves?
 8 A. Actually, no, that's not fair to say.
 9 Q. And why is that?
 10 A. If they wouldn't have reported that, there never
 11 would have been a tax lien. It would have been paid off
 12 in a timely manner.
 13 Q. So let me go back.
 14 So when I say tax liability, I mean, the tax
 15 liability was created when your wife cashed in a 401(k);
 16 right?
 17 A. Absolutely.
 18 Q. Okay.
 19 But you would agree that Oewen had nothing to do
 20 with cashing in a 401(k), right?
 21 A. That's true.
 22 Q. So when the tax liability, meaning the money that
 23 you owe, when that was created, Oewen had no part in
 24 causing that creation, right?

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1 A. They didn't create it, no.
 2 Q. Okay. And that's all that I was asking.
 3 So I understand that what you're saying is
 4 because you were unable to get refinancing, you were
 5 unable to pay off that tax liability which resulted in a
 6 tax lien, right?
 7 A. That's correct.
 8 Q. Okay.
 9 So if we look at the Experian score, which we've
 10 already talked about not reporting the Oewen account, so
 11 in the Experian, the realm of the Experian report, there
 12 was nothing in there regarding the Oewen account, right?
 13 A. That's correct.
 14 Q. Yet the Experian score itself is lower than the
 15 Equifax and TransUnion scores, right?
 16 A. That's correct. And it's right back there with
 17 the tax liens.
 18 Q. So you would agree that if not for the tax lien
 19 -- I'm sorry. Would you say that if not for the tax
 20 liens then your credit scores would have been higher?
 21 A. Absolutely. And that's according to Consumer
 22 Credit Counseling; they're saying that's a major
 23 infraction of having a government tax lien on you.
 24 Q. Sure. I understand. I'm just trying to make

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1 sure I'm getting -- that I understand this right.
 2 So what you're saying is -- so is it fair to say
 3 that the Experian score was low because of the tax lien,
 4 but not because of the Ocwen account that was saying a
 5 foreclosure and amounts due, right?
 6 A. That was just something that was caused by not
 7 being able to get the loan itself, not directly from
 8 Ocwen because I had a tax liability; it was just because
 9 of the records themselves not being correct.
 10 Q. Right. I understand what you're saying, I
 11 understand it's your position that the tax lien was
 12 caused by the inability to get credit, but what I'm
 13 asking is, is it fair to say that this Experian score
 14 was low because of the tax lien but not because of what
 15 was being reported to it by Ocwen because Ocwen didn't
 16 report it at all?
 17 A. Yes, that's fair to say.
 18 Q. Okay. All right.
 19 And do you know if Ocwen stopped reporting the --
 20 I'm sorry. Do you know when Equifax stopped reporting
 21 Ocwen information?
 22 A. Repeat that.
 23 Q. Do you know when your Equifax report stopped
 24 showing the Ocwen account?

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1 A. They've never stopped showing the Ocwen account.
 2 Q. So do you think that the Ocwen account is
 3 appearing on your Equifax report right now?
 4 A. Well, it is, but not in a negative way as far as
 5 I know.
 6 Q. Okay.
 7 I'd like to go back to Exhibit 10, which is the
 8 --
 9 A. Now, I'm going to ask you a question with that.
 10 Ocwen is not reporting anything month-to-month right now
 11 on me if that's what you're asking?
 12 Q. Right. That is what I'm asking you.
 13 A. Okay. I misunderstood what you were asking. No,
 14 they're not reporting anything on me month-to-month
 15 right now until this issue is resolved from what I
 16 understand, from what I've seen.
 17 Q. Okay.
 18 And do you know when they quit reporting
 19 month-to-month?
 20 A. I can't remember what month. It was after Mr.
 21 Nolan had made contact with Ocwen's attorneys, whether
 22 that was you or someone else.
 23 Q. Okay.
 24 A. That was supposedly an arrangement that was made.

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1 Q. I'd like to still go back to the Aggressive
 2 Credit Repair documents, Exhibit 10, and turn to page 75
 3 of Exhibit 10.
 4 A. I'm on there.
 5 Q. And you can see this is a response from Equifax
 6 dated September 23rd, 2014; is that right?
 7 A. Yes.
 8 Q. And under where it says results of our
 9 investigation there on page 75, as we have reviewed your
 10 concerns and our conclusions are; do you see that?
 11 A. Yes.
 12 Q. And then underneath that it says, please be
 13 advised that the following accounts are not reporting on
 14 your Equifax credit file?
 15 A. Okay.
 16 Q. And among those accounts, Ocwen is listed twice
 17 with that same loan number; do you see that?
 18 A. Yes, I do see them twice.
 19 Q. So is it fair to say that as of September 23rd,
 20 2014, the Ocwen was no longer reporting to Equifax?
 21 A. That's correct.
 22 Q. Okay.
 23 MR. NOLAN: Jon, do you mind if we take a
 24 break for a minute?

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1 MR. KENNEY: I probably just have about
 2 ten minutes left. I'm happy to take a break, but --
 3 MR. NOLAN: Okay. We can stick it out.
 4 We'll stay here.
 5 BY MR. KENNEY:
 6 Q. Okay.
 7 Mr. Daugherty, I'm just going to ask you a few
 8 questions about how you personally have been impacted as
 9 a result of the problems you've had with refinancing.
 10 A. Okay.
 11 Q. And I understand that you have become stressed
 12 through trying to refinance; is that right?
 13 A. I guess I'd say -- I usually keep things to
 14 myself most of the time. I would say this has been a
 15 very difficult time period for me.
 16 Q. And when you say that you've been stressed, is
 17 there anything in particular that you've noticed has
 18 changed about you, you know, in the last two years or
 19 so?
 20 A. Well, I tend to worry more about things. I tend
 21 to worry about making sure everything is paid on time,
 22 how it affects your records and I'm probably a little
 23 snappy around the house as far as shutting down on funds
 24 on things I don't think we need. I try to have

22 (Pages 82 - 85)

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1 everything in order to obtain a mortgage financing.
 2 Q. Sure.
 3 A. So I'm sure it's been a little more hectic around
 4 my house and throughout all of this it's been, you know,
 5 quite discouraging to go through all this to where, you
 6 know, you can't get financing to try to go through and
 7 get something, you know, I just wanted this fixed.
 8 Q. Right. I understand.
 9 A. And it's just fallen on deaf ears and no one
 10 would assist and to go through all of these motions to
 11 try to have something fixed is quite frustrating. And I
 12 usually do this myself because usually if I involved my
 13 wife on something, I never get any sleep.
 14 Q. Right. I understand.
 15 A. You know, this has gone on, you know, forever it
 16 seems like, you know, I kind of got some relief here
 17 just in the past month or so where I am able to get
 18 credit now since this was taken off my record, but, you
 19 know, just everyday life has completely changed with not
 20 knowing whether or not we're going to lose our house
 21 that we've had all these years and where I planned to
 22 stay.
 23 Q. What do you mean by life has completely changed?
 24 A. Well, when you don't know -- here's a good

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1 example. There's a lot of things I like to do around
 2 the house as far as I've been working on fixing it up
 3 and different things and I've stopped doing that, why
 4 should I fix it up if I may lose it? So things were put
 5 on hold as far as landscaping and different things I
 6 normally do because I don't know if I'm going to own
 7 this house when this is all said and done. It's things
 8 like that that you worry about. You know, I'm not going
 9 to invest a lot of money adding to it and things that I
 10 want to the house without knowing it's going to be mine.
 11 Q. Right.
 12 And I understand you had said, did you say that
 13 you had trouble sleeping?
 14 A. No. I said if I actually talk about this much to
 15 my wife, I'd have trouble sleeping.
 16 Q. Oh, I see.
 17 A. Because she wouldn't be letting me sleep.
 18 Because things like this would bother her a lot more
 19 than it does me and it bothers me bad enough, but if
 20 she's involved with things like this, it would be a
 21 never-ending conversation 24 hours a day.
 22 Q. Right. I understand.
 23 And do you recall about when this, you know, when
 24 this started, when you started feeling, you know, more

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1 stressed out than normal?
 2 A. About the first time or the second time I was
 3 turned down on the mortgage to where I was actually
 4 looking at -- the timeframe was really starting to make
 5 me sweat whether I was going to be able to get it done
 6 by July of last year, July 26th.
 7 Q. Right.
 8 I know you had mentioned that this -- the
 9 financial difficulty that you experienced, you were
 10 saying that it was caused for various reasons and you
 11 said that it started about six years ago; is that right?
 12 A. Yes, that's correct.
 13 Q. Is it fair to say that as you started feeling,
 14 you know, more stressed out than normal when that all
 15 started about six years ago?
 16 A. No, I wouldn't say that. It was mainly after I
 17 -- after I had really been concentrating -- and you can
 18 look at my credit reports where my credit -- where all
 19 my accounts were paid on time and to see this isn't
 20 going, you know. I met the qualifications as far as
 21 obtaining a loan, as far as not being late and
 22 everything being paid off and still -- I was still
 23 having problems with it until just recently when I was
 24 conditionally approved on a three-and-a-half percent

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1 loan from Quicken.
 2 Q. Right. Okay.
 3 As far as the Ocwen account, is there anything
 4 that -- well, let me scratch that question.
 5 You're not claiming any physical harm as a result
 6 of --
 7 A. No.
 8 Q. Okay.
 9 And are you under the care of a doctor or a
 10 psychiatrist for this case?
 11 A. No.
 12 Q. Okay.
 13 And do you have any other testimony today to
 14 support your claims other than what you have already
 15 told me?
 16 A. No, I don't.
 17 Q. Okay.
 18 I think those are all the questions that I have
 19 for you. I really do appreciate your time.
 20 A. Okay. Thank you.
 21 MR. NOLAN: I have just two quick
 22 follow-ups on Exhibit No. 9.
 23 CROSS EXAMINATION BY MR. NOLAN:
 24 Q. First, I want to look at document number 38,

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